

**EXHIBIT C**

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1 therapy programming. The panel makes the following  
2 findings, that therapy in a controlled setting is  
3 needed but motivation and amenability are  
4 questionable. The prisoner should be commended for  
5 having participated in an educational upgrading, ABE  
6 II and III, and he's also participated in AA and NA.  
7 However, these positive aspects of his behavior do not  
8 outweigh the factors of unsuitability.

9 This denial is for two years. The panel finds  
10 it's not reasonable to expect that parole would be  
11 granted during the following two years for the  
12 following reasons. Number one is the life offense  
13 which was carried out in a cruel and callous manner,  
14 specifically, the prisoner stabbed another person in  
15 the eye during an altercation and as a result of that  
16 the victim sustained serious injuries. As a result a  
17 longer period of observation and evaluation is  
18 required before the Board should set a parole date.  
19 In addition, the prisoner had also been involved in  
20 narcotics trafficking and he had two other commitment  
21 offenses for 11352 of the Health and Safety Code,  
22 transporting and selling quantities of illegal  
23 substances. In addition, the prisoner has not  
24 completed necessary programming which is essential to  
25 his adjustment and needs additional time to gain such  
26 programming.

1           The panel recommends that the prisoner become  
2       or remain disciplinary free, continue to upgrade  
3       educationally and vocationally, participate in  
4       available self-help and therapy programming. And that  
5       ends this hearing at 10:03 a.m. Good luck to you.

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25       PAROLE DENIED TWO YEARS

26       EFFECTIVE DATE OF THIS DECISION           JUL 0 7 1997          

27       JUSTO ESCALANTE

E-91258

DECISION PAGE 3

5/1/97

**EXHIBIT D**

## CALIFORNIA BOARD OF PRISON TERMS

## D E C I S I O N

1                   **PRESIDING COMMISSIONER BORDONARO:** Okay. We're  
2  
3 back on the record in the case of Mr. Escalante.  
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5 Everyone who was previously in the room has  
6  
7 returned. The Panel has reviewed all the  
8  
9 information received from the public and relied on  
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11 the following circumstances in unanimously  
12  
13 concluding that the inmate is not suitable for  
14  
15 parole and would pose an unreasonable risk of danger  
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17 to society or a threat to public safety if released  
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19 from prison. The commitment offense was carried out  
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21 in an especially cruel manner. It was carried out  
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23 in a manner which demonstrates an exceptional  
24  
25 callous disregard for human suffering. And the  
26  
27 motive for the crime was inexplicable or very  
trivial in relation to the offense. These  
conclusions are drawn from the Statement of Facts  
wherein the inmate had gotten in an argument with  
the victim, James Brooks. James Brooks claims that  
he had known the inmate prior to this. And the  
inmate pulled a knife. Brooks retreated, however,  
he slipped or tripped. He went down.  
Mr. Escalante's friends kicked him, hit him, and the  
inmate stabbed him in the right eye. The knife  
caused permanent damage to the eye. It did also  
**JUSTO ESCALANTE E-91258 DECISION PAGE 1 5/10/01**

1 penetrate the brain and there was an operation that  
2 was required. It is the inmate's contention that  
3 this was a case of mistaken identity, that he is  
4 innocent of the crime. He was convicted by a jury,  
5 however that he -- the first time he ever saw the  
6 victim was while in court. The inmate does have a  
7 previous record. He did fail to profit from  
8 society's attempts to correct his criminality.  
9 Those attempts included adult probation. He has an  
10 unstable social history and prior criminality which  
11 includes drug use and an illegal entry into the  
12 United States. He has several arrests, however,  
13 three convictions. Two of those are controlled  
14 substance for which he is serving additional  
15 commitment offense on. One of them is a misdemeanor  
16 plus a firearm, which he said must be another case  
17 of mistaken identity as it was not him. However, he  
18 does admit to the two controlled substance charges.  
19 The prisoner institutionally has been programming.  
20 However, he has failed to develop a marketable skill  
21 that can be put to use upon release. He's working  
22 towards that. He's not sufficiently participated in  
23 beneficial self-help and therapy programming. He  
24 has had (inaudible) speak to in a minute.  
25 Disciplinary is pretty good, but he does have three  
26 128s, the last dated 6/19/1998. We also note that  
27 **JUSTO ESCALANTE E-91258 DECISION PAGE 2 5/10/01**

1 the District Attorney of Los Angeles County is  
2 opposed to a finding of parole suitability. Also  
3 the correctional counselor Walters writes that this  
4 inmate would pose a moderate degree of risk. The  
5 Panel makes the following findings: That the  
6 prisoner does need therapy in order to face, discuss  
7 and understand the causative factors that led to the  
8 life crime, and to explore his culpability in the  
9 life crime. Until further progress is made he  
10 continues to be an unpredictable threat to others.  
11 He should be commended for his participation in AA  
12 and NA and the 12 Steps, also for never having a  
13 115. He's definitely to be commended for that. He  
14 did complete his GED last year, 10/2000. According  
15 to the inmate he is on a waiting list for a  
16 vocation. And all those are very, very good signs  
17 towards positive programming, which I will say that  
18 he is doing. However, these positive aspects of his  
19 behavior do not yet outweigh the factors of  
20 unsuitability. In a separate decision the hearing  
21 Panel finds it's not reasonable to expect that  
22 parole would be granted at a hearing during the  
23 following two years. This is a two year denial.  
24 I'll give you the reasons, the first one is the  
25 commitment offense was carried out in an especially  
26 cruel manner, specifically he did stab Mr. Brooks in  
27 **JUSTO ESCALANTE E-91258 DECISION PAGE 3 5/10/01**



1 the eye. He destroyed the right eye and did  
2 penetrate the brain. This was after an argument  
3 apparently over the inmate's desire to borrow  
4 Mr. Brooks' car. Mr. Brooks claims that the inmate  
5 was a friend of his. However, the inmate claims  
6 that he was totally innocent of this and didn't even  
7 know Mr. Brooks. We also -- The prisoner had not  
8 completed necessary programming which is essential  
9 to his adjustment and needs time to gain that  
10 programming. He needs to more fully participate in  
11 self-help and therapy programming, and he needs to  
12 complete a vocation. Because of these reasons a  
13 longer period of observation is and evaluation is  
14 required of the prisoner before the Board should  
15 find the prisoner suitable for parole. The Panel  
16 recommends that the prisoner remain  
17 disciplinary-free, that if available to upgrade  
18 vocationally and also (inaudible) self-help and  
19 therapy programming. That will conclude the reading  
20 of the decision. Commissioner Thompson, any  
21 comments?

22 **DEPUTY COMMISSIONER THOMPSON:** None.

23 **PRESIDING COMMISSIONER BORDONARO:** Commissioner  
24 Granlund?

25 **COMMISSIONER GRANLUND:** I wish you well. Good  
26 luck to you. And actually I was happy to see how

27 **JUSTO ESCALANTE E-91258 DECISION PAGE 4 5/10/01**

1 well you did on your English today.

2 **INMATE ESCALANTE:** All right.

3 **COMMISSIONER GRANLUND:** I think you can actually  
4 put that on your list as not a deterrent, but  
5 actually as an asset. You're pretty fluent in both  
6 languages, in two languages, and that will help you  
7 get some employment. That's a valuable skill to  
8 have these days.

9 **INMATE ESCALANTE:** Yes.

10 **COMMISSIONER GRANLUND:** To be bilingual.

11 **PRESIDING COMMISSIONER BORDONARO:** All right.  
12 You're doing very well on your programming. Keep  
13 doing what you're doing. Keep doing your self-help.  
14 Get into a vocation. Get a skill behind you, even  
15 if you go to Honduras. We're also concerned with  
16 wherever you go. So make sure -- I mean take  
17 advantage of those opportunities because if you can  
18 get into some computer vocation and get training in  
19 that, and get sent back to Honduras, you can  
20 probably land yourself, especially with your English  
21 skills, an excellent job. So I think you have some  
22 opportunities before you and I hope that you do take  
23 advantage of them.

24 **INMATE ESCALANTE:** Yes.

25 **PRESIDING COMMISSIONER BORDONARO:** And then we  
26 will see you and hopefully we're caught up and it  
27 **JUSTO ESCALANTE E-91258 DECISION PAGE 5 5/10/01**

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1 truly only a two year denial. We're working on that  
2 and hopefully that will be accomplished. With that  
3 I will adjourn the hearing at 12:02. Good luck.

4 **INMATE ESCALANTE:** Thank you.

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25 **PAROLE DENIED TWO YEARS**

26 **EFFECTIVE DATE OF DECISION** JUN 04 2001

27 **JUSTO ESCALANTE E-91258 DECISION PAGE 6 5/10/01**

**EXHIBIT E**

**CALIFORNIA BOARD OF PRISON TERMS**

**D E C I S I O N**

**DEPUTY COMMISSIONER HARMON:** You're on the record.

**PRESIDING COMMISSIONER MOORE:** Thank you. Let the record show that all interested parties have returned to the room. Jose [sic] Escalante, CDC number E, as in Edward, 91258. The Panel has reviewed all information received from the public and relied on the following circumstances in concluding that the prisoner is not suitable for parole and would pose an unreasonable risk of danger to society if released to the public at this time. Timing and the gravity of the offense was paramount. The offense was carried out in an especially cruel, vicious manner. The offense was carried out in a manner which demonstrates an exceptionally coldhearted disregard for human suffering wherein the prisoner had gotten into an argument with the victim, James Brooks. The victim, Mr. Brooks, claims that he's known the prisoner prior to this attack. And the prisoner pulled a knife. The -- Mr. Brooks retreated; however, he slipped and tripped. He went down and Mr. Escalante's friends kicked him -- kicked him and the prisoner stabbed him in the right eye.

**JUSTO ESCALANTE E-91258 DECISION PAGE 1 5/27/03**

1 The knife caused permanent damage to his eye,  
2 penetrated the brain, and there was an operation  
3 that was required. It is also the prisoner's  
4 contention that this was a case of mistaken  
5 identity, that he is innocent of the crime. He  
6 was convicted by a jury, however, and the first  
7 time that the prisoner ever laid eyes on the  
8 victim was in court. These conclusions were drawn  
9 from the Statement of Facts wherein the prisoner  
10 caused the demise of Mr. James -- not the demise,  
11 strike that, caused the injury to Mr. James  
12 Brooks. Previous record: The prisoner has an  
13 escalating pattern of criminal conduct. He has  
14 failed to profit from society's previous attempts  
15 to correct his criminality. Such attempts  
16 included probation. The prisoner has an unstable  
17 social history and prior criminality which  
18 includes drug use, illegal entry into the United  
19 States. There were several arrests, three  
20 convictions. Two of those convictions were for  
21 controlled substance which he was -- which he is  
22 serving additional time for the committing offense  
23 on a misdemeanor for a firearm -- possession of a  
24 firearm, excuse me, which the prisoner again says  
25 that it's a case of mistaken identity, it's not  
26 him. He admits to the substance abuse charges  
27 **JUSTO ESCALANTE E-91258 DECISION PAGE 2 5/27/03**

1 however. Institutional behavior: The prisoner  
2 has programmed in a limited manner while  
3 incarcerated. He's failed to develop a marketable  
4 skill that could be put to use upon release. He's  
5 failed to upgrade vocationally as previously  
6 recommended by the Board, as well as he's not  
7 sufficiently participated in beneficial self-help  
8 and therapy programming at this time. The  
9 psychosocial report was adequate. Parole plans  
10 was adequate as he has a U.S. INS hold and will  
11 probably be deported. Parole plans -- Strike  
12 that. The 3042 notices responses: The Hearing  
13 Panel notes responses to 3042 notices indicate  
14 opposition to a finding of suitability,  
15 specifically the District Attorney's office was  
16 present today in opposition to a finding of  
17 suitability, as well as the other information  
18 bearing on his suitability would be that the  
19 prisoner's counselor, a CC-I J. Harris,  
20 H-A-R-R-I-S, wrote in the current Board report of  
21 the prisoner that the prisoner would pose a  
22 moderate degree of threat if released to the  
23 public at this time. Remarks: The Panel makes  
24 the following findings: That the prisoner still  
25 needs therapy in order to face, discuss,  
26 understand and cope with stress in a  
27 **JUSTO ESCALANTE E-91258 DECISION PAGE 3 5/27/03**

1 nondestructive manner. Until progress is made,  
2 the prisoner continues to be unpredictable and a  
3 threat to others. The prisoner's gains are recent  
4 and he must demonstrate the ability to maintain  
5 these gains over an extended period of time.  
✓6 Nevertheless, the prisoner should be commended for  
7 taking self-help groups in terms of Sexually  
8 Transmitted Diseases. He recently completed the  
9 Impact program, as well as he's participated in  
10 NA. He's on the waiting list currently for  
11 computers. He had positive work reports as a  
12 porter, as well as he in the past, 2000 I believe  
13 was the actual date, completed his GED. ✓  
14 Mr. Escalante, this is a two-year denial. And in  
15 a separate decision, the Hearing Panel finds that  
16 the prisoner -- it is not reasonable to expect  
17 that the prisoner would be granted parole in a  
18 hearing during the next -- the following two  
19 years. The specific reasons for our findings are  
20 as follows: That we mentioned earlier that the  
21 prisoner committed the offense in an especially  
22 cruel and vicious manner. The victim, Mr. James  
23 Brooks -- You had gotten into an argument with the  
24 victim. The victim claims that he had known you  
25 prior to this and that you pulled a knife on the  
26 victim. As well, as the victim was trying to  
27 **JUSTO ESCALANTE E-91258 DECISION PAGE 4 5/27/03**



1 retreat, however, slipped and -- or tripped and  
2 fell and went down, and Mr. Escalante and his  
3 friends kicked him and then Mr. Escalante stabbed  
4 him in the right eye with a knife that caused  
5 severe damage to the victim's eye, penetrated the  
6 brain, and there was surgery -- an operation that  
7 required for the victim. It is the inmate's  
8 contention, however, that this is a case of  
9 mistaken identity in that he is an innocent man,  
10 as well as he was convicted by a jury trial and  
11 states that day was the first time that he'd ever  
12 laid eyes on the victim, Mr. Brooks. The offense  
13 was carried out in a dispassionate manner. The  
14 offense was carried out in a manner which  
15 demonstrates an exceptionally coldhearted  
16 disregard for human suffering. The motive for the  
17 crime was inexplicable or very trivial in  
18 relationship. The prisoner has an extensive  
19 history of criminality, and we talked about that  
20 earlier in terms of arrests and convictions,  
21 multiple arrests and convictions for -- two for  
22 controlled substance and one for a possession -- a  
23 misdemeanor possession of a firearm. Let's see.  
24 The prisoner has a history of unstable or  
25 tumultuous relationships with others in terms of  
26 coming into the United States illegally. The  
27 **JUSTO ESCALANTE E-91258 DECISION PAGE 5 5/27/03**

1 recommendations to you, Mr. Escalante, are to  
2 remain disciplinary-free, if it's available to you  
3 to upgrade vocationally and educationally, as well  
4 as if it's available to you to participate in  
5 beneficial self-help programming to better  
6 understand the causative factors of why you're  
7 before us here today for the atrocity on  
8 Mr. Brooks. However, the prisoner does still  
9 contend that he is -- it is misidentification and  
10 he is not the perpetrator of this crime. This  
11 will conclude the reading of our decision today,  
12 Mr. Escalante. Good luck to you, sir. Continue  
13 on your path. The time is approximately 1710  
14 hours. Commissioner, any comments to the  
15 prisoner?

16 **DEPUTY COMMISSIONER HARMON:** Nothing more,  
17 Sir, that hasn't been said. I just want to make  
18 sure that you understand that in the area of self-  
19 help group if you could maybe get yourself more  
20 involved in programs, get --

21 **INMATE ESCALANTE:** There aren't any other --

22 **DEPUTY COMMISSIONER HARMON:** -- the --

23 **INMATE ESCALANTE:** "We have here just NA and  
24 AA meeting.

25 **DEPUTY COMMISSIONER HARMON:** Okay.

26 **INMATE ESCALANTE:** And (inaudible) --

27 **JUSTO ESCALANTE E-91258 DECISION PAGE 6 5/27/03**

1           **DEPUTY COMMISSIONER HARMON:** What I was  
2 going to suggest then maybe a self-study, you  
3 know, like using the library and maybe look at  
4 books and read books maybe concerning human  
5 behavior, maybe how it applies to you so that you  
6 could (inaudible) that kind of stuff. If the  
7 programs aren't available, it shows that you're --

8           **INMATE ESCALANTE:** I'll go to the library  
9 and see if they have something.

10          **DEPUTY COMMISSIONER HARMON:** Okay. Seeing  
11 if you're aggressively, you know, pursuing that  
12 kind of knowledge would be very helpful. But  
13 other than that I wish you luck, sir.

14          **INMATE ESCALANTE:** Okay.

15          **DEPUTY COMMISSIONER HARMON:** And here's your  
16 copy. Here we go. Thank you.

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25   **PAROLE DENIED TWO YEARS**

**AUG 25 2003**

26   **FINAL DATE OF DECISION**

27   **JUSTO ESCALANTE E-91258 DECISION PAGE 7 5/27/03**

**EXHIBIT F**

C-file copy

**LIFE PRISONER EVALUATION REPORT  
SUBSEQUENT PAROLE CONSIDERATION HEARING  
MAY 2005 CALENDAR**

ESCALANTE, JUSTO

E-91258

**I. COMMITMENT FACTORS:**

- A. **Life Crime:** PC 205 Aggravated Mayhem and PC 12022(B) Use of a Deadly Weapon (Knife); Los Angeles County Case #PA004647, Sentenced to Life, plus 1 year. MEPD: 5/30/98. Victim: James Brooks, age unknown.

1. **Summary of Crime:** On September 10, 1990, at approximately 4:20 a.m., Victim James Brooks got into an argument with the prisoner, Justo Escalante. Escalante wanted to borrow the victim's car, but the victim refused. Escalante and some of his friends started hitting and kicking the victim. While the victim was down, Escalante struck the victim in the eye with a knife penetrating the brain. Escalante was arrested on 9/26/90 while in custody on another matter.

The victim, James Brooks, told the Probation Officer that on the night of the attack, his girlfriend was arguing with Escalante. Brooks stated that when he approached the two, Escalante pulled a knife. Brooks retreated however he slipped in the mud. Escalante's friends kicked and hit victim Brooks, and Escalante stabbed the victim in the right eye. The victim says he blacked out and did not remember anything until approximately six days later. The victim further stated that he used to be a friend of Escalante's, and did not understand the unprovoked attack. The victim suffered permanent loss of sight in his right eye and a frontal lobotomy was performed resulting in permanent brain damage. The victim's medical bills were in excess of \$177,000. The victim stated that he wanted Escalante to pay for what he did. There are no crime partners named in the Probation Officer's report. Source documents cited: POR, pages 2,3 and 8.

2. **Prisoner's Version:** Inmate Escalante stated that he is innocent of this crime, noting that he did not plead guilty, but rather that he was convicted by a jury trial. Escalante claims that he did not commit this crime, nor was he in the area when this crime occurred. Escalante stated that he knew the area where the crime had occurred, and had been in this area before. But, according to Escalante, on that particular night he was in an apartment

SENT TO INMATE ON

MAR 17 2005

Exhibit F

LIFE PRISONER EVALUATION REPORT  
 PAROLE CONSIDERATION HEARING  
 MAY 2005 CALENDAR

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building with a friend far away from the crime scene. Escalante points out that it would have been difficult for him to have committed this crime, because the victim was a large adult male, and Escalante was much smaller than the victim. Escalante stated that the first time he ever saw the victim was in the courtroom. He stated that he did not know the victim, denying the victim's statement that they were once "friends." Escalante states that he did not speak English at the time of his arrest, and argues how could he have been "friends" with the English speaking victim. Escalante pointed out the fact that if he was guilty of this crime, he would have fled the jurisdiction and not remained in the same area. Escalante also stated that he never had a knife.

3. Aggravating/Mitigating Circumstances:

a. Aggravating Factors:

1. The victim was particularly vulnerable.
2. The prisoner had opportunity to cease but instead continued with the crime.

b. Mitigating Factors: None.

B. Multiple Crime(s): None.

1. Summary of Crime: None.

2. Prisoner's Version: None.

II. PRECONVICTION FACTORS:

A. Juvenile Record: Escalante has no juvenile arrest record on file.

B. Adult Convictions and Arrests:

03/16/88: Arrested by the Los Angeles Police Department (LAPD) for Transport/Sell Narcotic Controlled Substance; Convicted of a felony and sentenced to 36 months probation, 180 days in jail, fine, and a suspended prison sentence.

04/14/89: Arrested by the LAPD for Murder (PC 187); released due to Lack of Corpus.

09/16/89: Arrested by the LAPD for Felon/Addict/Etc. Possession of Firearm; convicted of a misdemeanor and sentenced to probation/jail.

LIFE PRISONER EVALUATION REPORT  
 PAROLE CONSIDERATION HEARING  
 MAY 2005 CALENDAR

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- 03/13/90: Arrested by the LAPD for Grand Theft Vehicle; released due to lack of sufficient evidence.
- 03/21/90: Arrested by the LAPD for Possession Narcotic Controlled Substance; warrant issued for Possession Bad Check/Money Order. No disposition noted.
- 09/14/90: Arrested by the LAPD for Transportation/Sale Narcotic Controlled Substance. On 9/16/90, a warrant was issued by the LAPD.
- 09/27/90: Arrested by the LAPD for Attempted Murder PC 187.
- 12/27/90: Probation revoked and Escalante was sentenced to 5 years in state prison.
- 04/04/91: Convicted in Los Angeles Superior Court for Assault with Deadly Weapon or Great Bodily Injury/Not Firearm and Aggravated Mayhem with the Use of a Weapon. He was sentenced to Life, plus one (1) year.
- 04/18/91: Escalante was received into the California Department of Corrections (CDC) for PC 205 Aggravated Mayhem with Use of a Weapon. (Life, plus one year.) and two (2) non-controlling offenses of Transportation/Sale of Controlled Substance (5 years).

Source documents: POR, page 4, and the CII pages 2-4.

- C. **Personal Factors:** Escalante was one of five (5) children born to Debra and Jose Escalante in Honduras. Escalante's father and two brothers still reside in Honduras. He came to the United States from Honduras in 1984. He has two sisters, Judy and Lillian living in Southern California. His mother, Debra Escalante, passed away in 1988. Escalante has never been married. Escalante claims he attended school in Honduras until the age of 13. He has never served in the Armed Forces. Escalante claims that he began drinking alcohol at the age of 16 and at the time of his arrest he was consuming approximately two six-packs weekly. He claims he began smoking marijuana at the age of 19, and at the time of his arrest he was smoking approximately two joints weekly. He claims he began snorting cocaine at the age of 26 and at the time of his arrest he was spending approximately \$100.00 weekly to support his habit. The POR indicates that Escalante supported himself through day work either in construction or pool cleaning. He made about \$50 to \$60 a day when work was available. There is no gang affiliation noted. There is no history of sexual deviation or mental disorder. Escalante is currently 37 years old. There are no medical problems noted at this time. Source documents cited: The POR, pages 5,6, and 7. The Institutional Staff Recommendation Summary (ISRS), pages 1 and 2 and the Social Factors Sheet.

LIFE PRISONER EVALUATION REPORT  
PAROLE CONSIDERATION HEARING  
MAY 2005 CALENDAR

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### III. POSTCONVICTION FACTORS:

- A. Special Programming/Accommodations: None.
- B. Custody History: Escalante has remained at CTF since his arrival on 7/8/98. He has maintained steady assignments, Medium A custody and has "0" behavioral points.
- C. Therapy and Self-Help Activities: He has continued Alcoholic Anonymous group attendance.
- D. Disciplinary History: He has received no CDC 115's and three CDC 128A's, the last one being in 1998.
- E. Other: Escalante attended a Subsequent BPT Hearing on 5/27/03 wherein the board denied parole for two years, requested a new psych report and recommended to remain disciplinary free, upgrade vocation, education and participate in self help.

### IV. FUTURE PLANS:

- A. Residence: Escalante realizes he will be deported and as such, will reside with his brother, David Escalante of Coliel Pedregal De San Jose, Ladolqueida, Blaque 14 Casa 15. Camayguela, Honduras. He also has residence option with his cousin, Olga M. Lainez Ballesteros of Cal. San Jose De La Vega, Bloque 32 Casa 1505, Comuyguela, Honduras, CA.
- B. Employment: Escalante plans to work as an electrician or plumber. He states he has prior work experience in both fields.
- C. Assessment: If Escalante can restrain from any drug association and adequate letters of support arrive, he should succeed upon release.

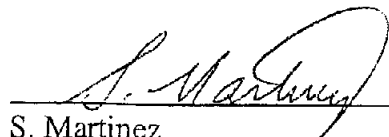
### V. USINS STATUS: Active USINS #A71621282 from Honduras.

### VI. SUMMARY:

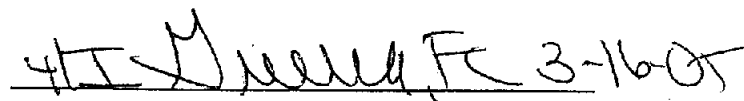
- A. Prior to release the prisoner could benefit from: remaining disciplinary free and continuing Alcoholics Anonymous attendance.



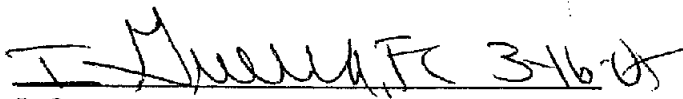
- B. This report is based upon a one hour interview on 2/1/05 and a complete three hour review of the Central File.
- C. Escalante was afforded an opportunity to examine his Central File on 2/1/05 per CDC 128B dated 2/1/05, reflecting that he declined the review.
- D. No accommodation was required per the Armstrong vs. Davis BPT Parole Proceedings Remedial Plan (ARP) for effective communication.

  
S. Martinez  
Correctional Counselor I

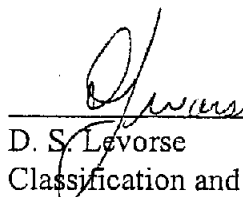
3-16-05  
Date

  
J. Soares  
Correctional Counselor II

3-16-05  
Date

  
I. Guerra  
Facility Captain

3-16-05  
Date

  
D. S. Levorse  
Classification and Parole Representative

3-17-05  
Date

**EXHIBIT G**

COURT COPY

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

## PROBATION OFFICER'S REPORT

DEFENDANT'S NAME(S) JOSE AMBROSIO ESCALANTE				REPORT SEQUENCE NO. 1	
ADDRESS (PRESENT/RELEASE) 9215 SEPULVEDA, NO. 38, SEPULVEDA, CA 91343				COURT NV-F	JUDGE SCHWAB
				COURT CASE NO. PA004647 <i>elo.</i>	
BIRTHDATE 3-26-63	AGE 27	SEX MALE	RACE HISPANIC	HEARING DATE 12-5-90	DEFENSE ATTY. P.D.
CITIZENSHIP STATUS UNDOCUMENTED ALIEN		DRIVER'S LICENSE/EXP. DATE C5340135		DPO LEMOs	PROSECUTOR D.A.
PROBATION NO. X-211382		CII NO. A08735712		AREA OFFICE ESFV	PHONE NO. 374-2054
BOOKING NO. 2190024					
DAYS IN JAIL THIS CASE <input type="checkbox"/> ESTIMATED <input checked="" type="checkbox"/> VERIFIED 70		CUSTODY STATUS/SEX/DATE NCCF			
TYPE REPORT <input checked="" type="checkbox"/> Probation and sentence <input type="checkbox"/> Pre-Conviction (131.3 CCP) <input type="checkbox"/> Post sentence <input type="checkbox"/> Diversion (Specify) _____					

## PRESENT OFFENSE: LEGAL HISTORY

CHARGED with the crimes of (INCLUDE PRIORS, ENHANCEMENTS OR SPECIAL CIRCUMSTANCES)

COUNT I: 245(A)(1) PC (ASSAULT GREAT BODILY INJURY WITH DEADLY WEAPON),  
PLUS PC 12022.7.COUNT II: 205 PC (AGGRAVATED MAYHEM)  
PLUS PC 12022(B).

FILED

DEC 05 1990

CONVICTED of the crimes of (INCLUDE PRIORS, ENHANCEMENTS OR SPECIAL CIRCUMSTANCES)

N/A - PRE-PLEA

CONVICTED BY N/A	DATE OF <del>CONVICTION</del> REFERRAL 10-30-90	COUNT(S) CONTINUED TO P & S FOR DISPOSITION I AND II
PROPOSED PLEA AGREEMENT N/A		SOURCES OF INFORMATION D.A. FILE
DATE(S) OF OFFENSE 9-10-90		TIME(S) 4:20 A.M.
DEFENDANT: <input type="checkbox"/> N/A <input checked="" type="checkbox"/> ON PROBATION <input type="checkbox"/> ON PAROLE-REMAINING TIME _____ (SEE PRIOR RECORD SECTION)		<input type="checkbox"/> SENTENCED TO STATE PRISON/COUNTY JAIL ON CASE _____ <input type="checkbox"/> PENDING PROBATION VIOLATION <input type="checkbox"/> PENDING NEW CASE _____
		HOLD/WARRANTS. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

## RECOMMENDATION:

☐ PROBATION ☒ DENIAL ☐ DIAGNOSTIC STUDY ☐ CYA ☐ OTHER \_\_\_\_\_  
☐ COUNTY JAIL ☐ 707.2 WIC  
☒ STATE PRISON ☐ 1203.03 PC

Exhibit G

PRESENT OFFENSE:  
(CONTINUED)SOURCES OF INFORMATION (this page)  
D.A. FILE

ARREST DATE	TIME	BOOKED AS	OFFENSE	LOCATION OF ARREST	ARRESTING AGENCY
9-26-90	1100	ESCALANTE, JOSE AMBROSIO	187(A) PC (ATTEMPTED MURDER)	10250 ETIWANDA	LAPD

CO-DEFENDANT(S)	CASE NO.	DISPOSITION
N/A		

## ELEMENTS AND RELEVANT CIRCUMSTANCES OF THE OFFENSE:

ON SEPTEMBER 10, 1990, AT APPROXIMATELY 4:20 A.M., VICTIM JAMES BROOKS GOT INTO AN ARGUMENT WITH THE DEFENDANT. THE DEFENDANT WANTED TO BORROW HIS CAR BUT THE VICTIM REFUSED. THE DEFENDANT AND SOME OF HIS FRIENDS STARTED HITTING AND KICKING THE VICTIM. WHILE THE VICTIM WAS DOWN, THE DEFENDANT STRUCK THE VICTIM IN THE EYE WITH A KNIFE PENETRATING THE BRAIN.

THE DEFENDANT WAS ARRESTED ON SEPTEMBER 26, 1990, WHILE IN CUSTODY ON ANOTHER MATTER.

## VICTIM:

SOURCES OF INFORMATION (this page)  
VICTIM

NAME

JAMES BROOKS

COUNT(S)

I, II

INJURY: PROPERTY LOSS (TYPE / COST / ETC.)

PERMANENT LOSS OF SIGHT TO RIGHT EYE.  
FRONTAL LOBOTOMY PERFORMED.  
MEDICAL BILLS IN EXCESS OF \$177,000.

INSURANCE COVERAGE

NONE

LOSS: ☒ YES ☐ NO

ESTIMATED LOSS

\$177,000

RESTITUTION ALREADY MADE

NONE

APPLIED FOR VICTIM RESTITUTION FUND

☐ UNK☐ YES☒ NO

## VICTIM STATEMENT:

VICTIM BROOKS TOLD THE PROBATION OFFICER THAT ON THE NIGHT OF THE ATTACK, HIS GIRLFRIEND WAS ARGUING WITH THE DEFENDANT. MR. BROOKS SAYS THAT WHEN HE APPROACHED THE TWO, THE DEFENDANT PULLED A KNIFE AND THE VICTIM TRIED TO ESCAPE. WHEN HE SLIPPED IN THE MUD, THE DEFENDANT'S FRIENDS KICKED AND HIT VICTIM BROOKS AND THE DEFENDANT STABBED HIM IN THE RIGHT EYE. MR. BROOKS SAYS THAT HE BLACKED OUT AND DID NOT REMEMBER ANYTHING UNTIL APPROXIMATELY SIX DAYS LATER.

VICTIM BROOKS FURTHER STATED THAT HE USED TO BE A FRIEND OF THE DEFENDANT AND DID NOT UNDERSTAND THE UNPROVOKED ATTACK. HE WANTS THE DEFENDANT TO PAY FOR WHAT HE DID.

RESTITUTION	TOTAL NUMBER OF VICTIMS ONE	ESTIMATED LOSS TO ALL VICTIMS \$177,000	VICTIM(S) NOTIFIED OF P&S HEARING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO 1191.3(B) F
DOES DEFENDANT HAVE INSURANCE TO COVER RESTITUTION: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		INSURANCE COMPANY NAME/ADDRESS/TELEPHONE NO.	

-3- (ESCALANTE)

VICTIM LIST CONTINUES NEXT PAGE

Exhibit G

1 PRIOR RECORD:

SOURCES OF INFORMATION (this page)  
CLETS (9/28/90), PROBATION RECORDS.

3 AKA'S: JOSE AMBROSIO ESCALANTE, DAVID BETANCUR, JUAN CARLOS GONZALES,  
4 JUAN CARLOS ESCALANTE

5 JUVENILE HISTORY:

6 NONE.

7 INFORMATION IS NOT AVAILABLE THROUGH PROBATION DEPARTMENT  
8 INQUIRY FIVE YEARS AFTER JUVENILE PROBATION ACTIVITY IS TERMINATED,  
9 AND DEFENDANT ADMITS NO RECORD.

10 ADULT HISTORY:

11 3/16/88 LAPD - 11352 H&S (TRANSPORT/SALES NARCOTIC CONTROLLED  
12 SUBSTANCE). 6/21/88 CASE #A820178, VAN NUYS SUPERIOR  
13 COURT, CONVICTED OF SAME, A FELONY. SENTENCED TO  
36 MONTHS PROBATION, 180 DAYS COUNTY JAIL. 3/9/90,  
PROBATION REVOKED BENCH WARRANT ISSUED.

14 (DEFENDANT SAYS THAT HE SOLD TWENTY DOLLARS WORTH OF COCAINE  
15 TO AN UNDERCOVER POLICE OFFICER.)

16 9/16/89 LAPD - 12021(A) PC (FELON/ADDICT/ETC. POSSESS FIREARM).  
9/19/89, CASE #89F10367, SAN FERNANDO MUNI COURT,  
17 CONVICTED OF A MISDEMEANOR.

18 (THE DEFENDANT DENIES THAT HE WAS ARRESTED FOR BEING IN POSSESSION  
19 OF A FIREARM.)

20 9-14-90 LAPD - 11352 H&S (SALE OF A CONTROLLED SUBSTANCE).  
10-11-90 CASE NUMBER LA005012, CALLED FOR A PRE-  
21 PRE-CONVICTION HEARING, DEPARTMENT NORTHWEST-S. CASE  
22 CONTINUED TO 12-7-90 FOR TRIAL.

23 (ACCORDING TO PROBATION RECORDS, THE DEFENDANT WAS ARRESTED FOR  
24 SELLING \$30 WORTH OF ROCK COCAINE TO UNDERCOVER OFFICERS.)  
25  
26  
27  
28  
29

9-14-90

## 1 PERSONAL HISTORY:

SOURCES OF INFORMATION (this page)  
DEFENDANT

## 3 SUBSTANCE ABUSE:

4 \_\_\_\_\_ No record, indication, or admission of alcohol or controlled substance abuse.

5 \_\_\_\_\_ Occasional social or experimental use of \_\_\_\_\_ acknowledged.

6 X See below: Indication / admission of significant substance abuse problem.

7 Referred to Narcotic Evaluator ☐ Yes ☒ No

\_\_\_\_\_ Narcotic Evaluator's report attached

## 9 Additional information

10 THE DEFENDANT SAYS THAT HE HAS BEEN SMOKING ROCK COCAINE  
11 ON A WEEKLY BASIS FOR THE LAST TWO YEARS. HE SAYS THAT FROM THE  
12 AGE OF 23 TO ABOUT THE AGE OF 25, HE SMOKED MARIJUANA SEVERAL TIMES  
13 ~~A~~ WEEK ON A REGULAR BASIS. CURRENTLY, THE DEFENDANT SAYS HE DRINKS  
14 TWO TO THREE BEERS A DAY AND A SIX-PACK OF BEER ON THE WEEKEND.

## 26 PHYSICAL / MENTAL / EMOTIONAL HEALTH:

27 X No indication or claim of significant physical/mental/emotional health problem.

28 \_\_\_\_\_ See below: Indication / claim of significant physical/mental/emotional health problem.



1 PERSONAL HISTORY:  
2 (CONTINUED)

SOURCES OF INFORMATION (this page)  
DEFENDANT

3 RESIDENCE	4 TYPE RESIDENCE APARTMENT	5 LENGTH OF OCCUPANCY 3 MONTHS	6 <del>MO. RENT</del> \$125 MO.	RESIDES WITH/RELATIONSHIP FRIEND
7 RESIDENTIAL STABILITY LAST FIVE YEARS FAIR		8 CAME TO STATE / FROM HONDURAS/1984		9 CAME TO COUNTY / FROM HONDURAS/1984

Additional information

14 MARRIAGE / PARENTHOOD	15 MARITAL STATUS SINGLE	NAME OF SPOUSE / PRESENT COHABITANT
16 LENGTH OF UNION	NO. OF CHILDREN THIS UNION	SUPPORTED BY
17 NO. PRIOR <del>XXXXXXXXXX</del> COHABITATIONS ONE	NO. OF CHILDREN THESE UNIONS ONE	SUPPORTED BY CHILD'S MOTHER
18 NO. OF OTHER CHILDREN	SUPPORTED BY	

Additional information

27 FORMAL EDUCATION:

28 THE DEFENDANT HAS A HIGH SCHOOL EDUCATION AND CLAIMS  
29 HE COMPLETED ONE YEAR AT A JUNIOR COLLEGE IN THE LOS ANGELES AREA.

PERSONAL HISTORY:  
(CONTINUED)

SOURCES OF INFORMATION (this page)

DEFENDANT

EMPLOYMENT STATUS	<input type="checkbox"/> EMPLOYED	REFERRED TO WORK FURLOUGH	EMPLOYER AWARE OF PRESENT OFFENSE	
	<input checked="" type="checkbox"/> UNEMPLOYED	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> YES <input type="checkbox"/> NO
PRESENT/LAST EMPLOYER / ADDRESS / PHONE N/A		OCCUPATION	PERIOD OF EMPLOYMENT	GROSS MONTHLY WAGE
<input type="checkbox"/> VERIFIED <input type="checkbox"/> UNVERIFIED		EMPLOYMENT STABILITY LAST 5 YEARS UNABLE TO VERIFY	TYPES OF PREVIOUS EMPLOYMENT CONSTRUCTION, POOL CLEANING	

Additional information

THE DEFENDANT SAYS HE SUPPORTS HIMSELF THROUGH DAY WORK  
EITHER IN CONSTRUCTION OR POOL CLEANING. HE MAKES ABOUT \$50 TO \$60  
A DAY WHEN WORK IS AVAILABLE.

FINANCIAL STATUS	INCOME STABILITY POOR	NET MONTHLY INCOME N/A	
PRIMARY INCOME SOURCE	SECONDARY INCOME SOURCE(S)	EST. TOTAL ASSETS	EST. TOTAL LIABILITIES
MAJOR ASSETS / ESTIMATED VALUE			
MAJOR LIABILITIES / ESTIMATED AMOUNT (MONTHLY)			

Additional information

GANG ACTIVITY ☐ YES ☒ NO

Name of Gang \_\_\_\_\_

1 DEFENDANT'S STATEMENT:

2 DEFENDANT CHOSE NOT TO MAKE A STATEMENT TO THE  
3 PROBATION OFFICER REGARDING THE PRESENT OFFENSE.

4 INTERESTED PARTIES:

5 DR. BENEDON, WHO WAS ON DUTY IN THE EMERGENCY  
6 ROOM AT HOLY CROSS HOSPITAL, THE NIGHT VICTIM BROOKS WAS  
7 INITIALLY TREATED, HAD THE FOLLOWING TO SAY:

8 DR. BENEDON REPORTS THAT VICTIM BROOKS SUSTAINED  
9 A RATHER SEVERE AND COMPLICATED INJURY. HE SAYS THE VICTIM WAS  
10 STABBED WITH ENOUGH FORCE TO CAUSE TRAUMA TO THE EYE AND THE  
11 BRAIN, RESULTING IN BOTH LOSS OF EYESIGHT AND PERMANENT BRAIN  
12 DAMAGE.

13 PROBATION OFFICER SENT A FORM LETTER TO THE  
14 IMMIGRATION AND NATURALIZATION SERVICE ADVISING THEM OF THE  
15 DEFENDANT'S STATUS.

16 EVALUATION:

17 THE DEFENDANT'S BEHAVIOR IN THE PRESENT MATTER  
18 CAN ONLY BE DESCRIBED AS EXTREMELY VIOLENT AND SUB-HUMAN. IT  
19 SEEMS HE WAS NOT CONTENT WITH SIMPLY STABBING THE VICTIM, RATHER  
20 THE DEFENDANT WAS INTENT UPON DOING HIM SERIOUS HARM.  
21 UNFORTUNATELY FOR THE VICTIM, THE DEFENDANT SUCCEEDED IN MAIMING  
22 HIM FOR LIFE. THERE IS ABSOLUTELY NOTHING ABOUT THIS MATTER  
23 THAT JUSTIFIES SUCH A BRUTAL ATTACK.

1                   GIVEN THE EXTREME GRAVITY OF THE OFFENSE, THE  
2 DEFENDANT IS NEITHER ELIGIBLE NOR IS HE VIEWED AS SUITABLE FOR  
3 PROBATION OF ANY KIND. IF THE DEFENDANT IS IN FACT CONVICTED  
4 OF THE CRIMES IN THIS MATTER, A COMMITMENT TO STATE PRISON IS  
5 CLEARLY WARRANTED IN THE MATTER.

6                   SENTENCING CONSIDERATIONS:

7                   THE DEFENDANT IS INELIGIBLE FOR PROBATION.

8                   CIRCUMSTANCES IN AGGRAVATION:

- 9                   1. THE VICTIM WAS PARTICULARLY VULNERABLE.
- 10                  2. THE DEFENDANT INDUCED OTHERS TO PARTICIPATE  
11                   IN THE COMMISSION OF THE CRIME AND OCCUPIED  
12                   A POSITION OF LEADERSHIP OF OTHER  
13                   PARTICIPANTS IN THE COMMISSION.
- 14                  3. THE DEFENDANT'S PRIOR PERFORMANCE ON  
15                   PROBATION WAS UNSATISFACTORY.

16                  CIRCUMSTANCES IN MITIGATION:

17                  NONE.

18                  GIVEN THE WEIGHT OF THE AGGRAVATING CIRCUMSTANCES,  
19 AS WELL AS THE PERMANENT BODILY INJURY SUSTAINED BY THE VICTIM,  
20 A COMMITMENT TO STATE PRISON FOR THE LENGTHIEST TERM ALLOWABLE  
21 BY LAW, IS CLEARLY WARRANTED IF THE DEFENDANT IS CONVICTED OF  
22 THE CHARGES.

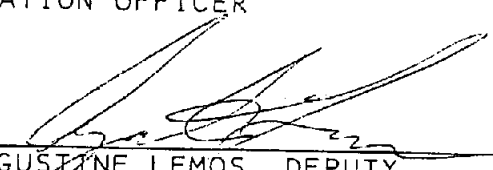
23                  RECOMMENDATION:

                  IF CONVICTED, IT IS RECOMMENDED THAT PROBATION BE

1 DENIED AND THAT THE DEFENDANT BE SENTENCED TO STATE PRISON WITH  
2 PRE-IMPRISONMENT CREDIT OF 70 DAYS; THAT THE COURT ORDER THE  
3 DEFENDANT TO PAY A RESTITUTION FINE OF \$100 AS PROVIDED IN  
4 SUBDIVISION (A) OF SECTION 13967 OF THE GOVERNMENT CODE.

5 RESPECTFULLY SUBMITTED,

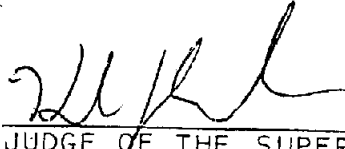
6 BARRY J. NIDORF,  
7 PROBATION OFFICER

8  
9 BY   
10 AUGUSTINE LEMOS, DEPUTY  
11 EAST SAN FERNANDO VALLEY AREA OFFICE  
12 374-2054

13 READ AND APPROVED:

14 BY   
15 ART KEENER, SDPO

I HAVE READ AND CONSIDERED  
THE FOREGOING REPORT OF  
THE PROBATION OFFICER

16   
17 JUDGE OF THE SUPERIOR COURT

18 (SUBMITTED: 11-27-90)  
19 (TYPED: 11-29-90)  
20 AL:RH (6)

21 IF PROBATION IS GRANTED, IT IS RECOMMENDED THAT  
22 THE COURT DETERMINE DEFENDANT'S ABILITY TO PAY COST OF PROBATION  
23 SERVICES PURSUANT TO SECTION 1203.1B PENAL CODE. COST OF  
PRESENTENCE INVESTIGATION AND PRESENTENCE REPORT - \$412.00. COST  
OF SUPERVISION - \$28.00 PER MONTH.

**EXHIBIT H**

C-file copy

**Life-Term Inmate Evaluation for the Board of Prison Terms  
MENTAL HEALTH EVALUATION**

**PSYCHOSOCIAL ASSESSMENT**

**1. IDENTIFYING INFORMATION**

NAME:	Escalante, Justo
CDC#	E-91258
AGE:	42 years
DOB:	03/26/63
MARITAL STATUS:	single
RACE:	Hispanic
RELIGION:	Evangelist
DATE OF REPORT:	12/07/05

This report is based on review of the inmate's medical file, review of his C-file, prior Board of Prison Terms reports. Prior psychological evaluations, current classification information and probation officer's report were used in preparation for this report. The current interview with the inmate and the report are limited by the amount of information given to this examiner by the inmate at the time of the interview. The following information is accurate to the extent that the records and the inmate's self-report are accurate. As a result, the absolute accuracy cannot be assured. The primary purpose of this report is to provide the Board of Prison Terms psychological data, psychiatric diagnostic information and an assessment of dangerousness in regard to his possible release to the community. This evaluator is not responsible for any inaccurate statements or changed opinions expressed by the inmate at a later date. The inmate was interviewed for approximately 1 hour and 10 minutes and the inmate's file was reviewed for approximately 4 to 6 hours.

The inmate was informed that the interview was not confidential and a report with the results of the evaluation would be submitted to the Board of Prison terms to assist in determining his eligibility for parole. The inmate was informed that any disagreement with the substantive conclusion could be most appropriately address at the inmate's Board hearing. The inmate appeared to understand the nature of the evaluation and the possible consequences of the interview to the best of the inmate's ability. For reasons not limited to the possibility that an individual may have a mental disability or condition which may qualify, under the American's with Disabilities Act, the evaluation was conducted by a licensed clinical psychologist.

Exhibit H

**Previous Board of Prison Term Evaluations**

This is apparently the 4th psychological evaluation for the Board of Prison Terms on this inmate. The inmate was provided the opportunity to review Carswell, Ph.D., and 1999 evaluation and endorsed it with minor changes as noted below.

**II. DEVELOPMENTAL HISTORY**

No notable changes from Dr. Carswell's 1999 report.

**III. EDUCATION**

No notable changes from Dr. Carswell's 1999 report. He received his GED in 2000.

**IV. FAMILY HISTORY**

No notable changes from Dr. Carswell's 1999 report. His father is in good health at age 66 and writes to him occasionally.

**V. DEVELOPMENT AND SEXUAL ORIENTATION**

The inmate reported no sexual adjustment issues and has no history of sexual acting out recorded in his records. He describes himself as heterosexual and denied engaging in dangerous sexual behaviors.

**VI. MARITAL HISTORY**

This inmate stated he has never been married nor does he have any children.

**VII. MILITARY HISTORY**

Inmate Escalante denied any military service.

**VIII. EMPLOYMENT HISTORY**

No notable changes from Dr. Carswell's 1999 report. He has experience in both electricity and plumbing.

**IX. SUBSTANCE ABUSE HISTORY**



Mr. Escalante has a history of alcohol, marijuana and cocaine abuse. He stated that he has been an active member in Alcoholics anonymous and Narcotics Anonymous since 1995. Chronos in his C file evidence the fact that he has been very active in both self-help groups over the past 10 years.

## **X. PSYCHIATRIC AND MEDICAL HISTORY**

He denied any past or present significant diagnosis or illnesses.

## **PLANS IF GRANTED RELEASE**

Inmate plans to return to Honduras if paroled. There is an INS hold out on this inmate. He will live with his younger brother, David, and work in either the electrical or plumbing trade. His prognosis for community living is guarded.

## **\* CURRENT MENTAL STATUS/TREATMENT NEEDS:**

Mr. Escalante's appeared younger than his 42 years of age. He was cooperative, made good eye contact and exhibited no noticeable or atypical behaviors. His speech was clear and his thoughts were well organized. His affect was appropriately variable and his mood was euthymic. There was no homicidal or suicidal ideation noted. He did not experience any type of perceptual disturbances. He was oriented and expresses appropriate plans upon parole.

## **\* DSM IV Diagnoses**

Axis I Polysubstance Abuse, by history, in institutional remission

Axis II Deferred

Axis III None

Axis IV Psychosocial Stressors: Incarceration

Axis: V Global Assessment of Functioning 75

## **XIII. REVIEW OF LIFE CRIME**

As stated in previous reports, this inmate denies any involvement in his current life offense. He stated that he did not know the people who testify against him, and he has no idea how he was convicted of his crime. He maintains his innocence concerning this life crime. Therefore, whether insight into whether or not this would happen again is obviously unknown.

Assessment of Dangerousness:

- A. Within a controlled setting, his risk is minimal or if released into the community, the risk is also minimal. Significant risk factors and precursors to violence are his past alcohol and substance abuse, and a relapse would increase his risk for violence and undo the gains he has made.
- B. He has not received any CDC 115's and has matured since being incarcerated.

Comments and Recommendations:

1. If paroled, he should be mandated to attend both NA and AA and have frequent periodic drug testing for alcohol and illegal substances.
2. This inmate still denies any responsibility in his crime, and needs to develop some insight or reasonable explanation before being considered for parole.

Respectfully submitted,

*Laura Petracek, Ph.D.*

Laura Petracek, Ph.D.  
Contract Psychologist, CA License PSY 20033  
CTF Soledad

12-28-05  
Date

*B. Zika, Ph.D.*

B. Zika, Ph.D.  
Senior Supervising Psychologist  
Correctional Training Facility, Soledad

12/8/05  
Date

UNITED STATES DISTRICT COURT

Northern DISTRICT OF CALIFORNIA

Justo Escalante

Case No. C 07-2702 JF

v

**PROOF OF SERVICE**

J. Davis, et al

I hereby certify that on December 19 2007, I served a  
copy of the attached Traverse with Exhibits

by placing a copy in a postage paid envelope addressed to the person(s) hereinafter listed, by

depositing said envelope in the United States Mail at Schwar, Ca.  
(List Name and Address of Each  
Defendant or Attorney Served)

Attorney General of California  
455 Golden Gate Ave, Suite 11000  
San Francisco, Ca. 94102-3664

I declare under the penalty of perjury that the foregoing is true and correct.

Justo Escalante

(Name of Person Completing Service)

Justo Escalante